

December 3, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. V-2277
Proposed Ordinance No. 96-935

JAMES C. and RUTH L. ZDANOWICZ
Petition For Road Vacation

Road: Portions of S.C. Priest Road (County Road 684), south of the
Westside Highway Southwest on Vashon Island, lying easterly
of Robinwood Drive Southwest

Petitioner: James C./Ruth L. Zdanowicz, et al
7731 Bagley Avenue North
Seattle, WA 98103-4975

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2277 was received by the Examiner on November 21, 1996.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2277 was opened by the Examiner at 11:04 a.m., December 2, 1996, in Room No. 230, Central Building, 810 Third Avenue, Seattle, Washington, and closed at 11:19 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portions of S.C. Priest Road (County Road 684), south of the Westside Highway Southwest on Vashon Island, lying easterly of Robinwood Drive Southwest
Right of way classification:	C-Class
Area:	25,130 square feet
Compensation:	\$7,187.30

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the December 2, 1996, public hearing and the statement of facts contained in Proposed Ordinance No. 96-935, September 20, 1996 draft. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. Some community concern has been expressed regarding the proposed right-of-way vacation. In addition, the King County Department of Development and Environmental Services ("DDES"), while not objecting to the petition, also expresses concern regarding the potential for future access to abutting parcels. However, in this case, the petitioners own the abutting parcels (tax lot nos. 78, 104, and 62) comprising over thirty acres. Consequently, both present and potential long term access remains available. In addition, the petitioner is proceeding with a minor lot line adjustment which will assure continued access to each parcel. The petitioner expects to gain control of unauthorized garbage dumping on the vacated right-of-way by obtaining ownership of that right-of-way. The County has had no use for the right-of-way since reconstruction of the Vashon Heights-Tahlequah Road in 1931.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.
4. All concerns regarding the petitioned right-of-way vacation which have been expressed on the record have been appropriately answered and addressed. The public interest will be served by granting control of unauthorized garbage dumping to the petitioner, and to allow a minor lot line adjustment which will result in a more logical lot boundary pattern. There will be no adverse consequences upon any identified public interest.

RECOMMENDATION:

APPROVE proposed Ordinance No. 96-935, granting right-of-way vacation of a segment of S.C. Priest Road (County Road 684), as described in Exhibit Nos. 6, 7 and 8 of this hearing record.

RECOMMENDED this 3rd day of December, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 3rd day of December, 1996, to the following parties and interested persons:

James & Ruth Zdanowicz

Vashon Parks District	King Co. Fire District #13
Vashon-Maury Is. CC	Viacom Cable, Tacoma
Puget Power/Real Estate	US West/Christine Price
WA Nat. Gas/Cheryl Paras	Metro Transit/Right-of-Way

Tommy Burdette, KCDOT, Engineering Services Section
Sharon Claussen, King County Parks Division
Tom Eksten, Department of Parks & Cultural Resources
Dennis Gorley, KCDOT, Engineering Services Section
Bill Hoffman, KCDOT, Transportation Systems Planning
Rod Matsuno, KCDOT, Road Maintenance Section
Dave Preugschat, Property Services Division
Lisa Pringle, DDES/LUSD, Site Plan Review Section
Gary Samek, KCDOT, Traffic Engineering Section
Charlie Sundberg, King Co. Office of Historical Preservation
Harold Taniguchi, KCDOT, Road Services Division
Paul Toliver, Director, KC Dept. of Transportation

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before December 17, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before December 24, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE DECEMBER 2, 1996, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2277, JAMES C. AND RUTH L. ZDANOWICZ PETITION FOR ROAD VACATION.

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were James Zdanowicz, and Dennis Gorley/King County Department of Transportation.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Report to the King County Hearing Examiner, prepared for the December 2, 1996 public hearing on road vacation petition file No. V-2277, including 17 attachments identifying comments from reviewing agencies.
- Exhibit No. 2 Petition transmittal letter, dated August 25, 1995, from Clerk of the Metropolitan King County Council, to King County Department of Transportation
- Exhibit No. 3 Letter, dated August 24, 1995, from James/Ruth Zdanowicz, to Clerk of the Council
- Exhibit No. 4 Petition for vacation of a county road, including legal description of petitioner's property, signed by James and Ruth Zdanowicz & Charles and Patricia Rouse
- Exhibit No. 5 Copy of filing fee check (#324), dated August 25, 1995, signed by James Zdanowicz, to King County Department of Finance, in the amount of \$100.
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Copy of survey map, prepared by Jerold D. O'Hare/ June 1, 1995
- Exhibit No. 8 Map identifying site of road vacation
- Exhibit No. 9 Letter, dated August 16, 1995, from Jerold O'Hare/ Surveyor, to James Zdanowicz, with attachments
- Exhibit No. 10 Letter, dated August 23, 1995, from James/Ruth Zdanowicz, to Dylan J. Reidt, re: joining road petition
- Exhibit No. 11 Letter, dated October 11, 1995, from Ruth Zdanowicz, to Anita R. Morton, re: comments on road vacation
- Exhibit No. 12 Letter, dated September 21, 1995, from James/Ruth Zdanowicz, to Tommy Burdette/King County Department of Transportation, with attached map indicating road vacation area
- Exhibit No. 13 Letter, dated February 23, 1996, from James/Ruth Zdanowicz, to Tommy Burdette/King County Department of Transportation, re: change of address for petitioners
- Exhibit No. 14 Letter, dated March 8, 1996, from James/Ruth Zdanowicz, to Tommy Burdette/King County Department of Transportation, re: agency responses
- Exhibit No. 15 Letter, dated April 15, 1996, from Jerold O'Hare/ Surveyor, to James Zdanowicz
- Exhibit No. 16 Letter, dated April 16, 1996, from James/Ruth Zdanowicz, to Tommy Burdette/King County Department of Transportation, re: Vashon Community Council meeting on April 15, 1996
- Exhibit No. 17 Letter, dated July 25, 1996, from Department of Transportation, to Clerk of the Council, re: recommended road vacation V-2277
- Exhibit No. 18 Road vacation worksheet V-2277.XLS, dated July 11, 1996
- Exhibit No. 19 Letter, dated August 22, 1996, from King County Department of Transportation, to James/Ruth Zdanowicz, re: amount of compensation for road vacation V-2277, with attached copy of letter (Exhibit No. 17) and worksheet (Exhibit No. 18)
- Exhibit No. 20 Copy of compensation fee check (#1007), dated August 13, 1996, signed by James C. Zdanowicz, to King County Treasury, in the amount of \$7,187.30
- Exhibit No. 21 Letter, dated October 31, 1996, from Gary Locke/ King County Executive, to Councilmember Jane Hague
- Exhibit No. 22 Copy of draft of proposed ordinance No. 96-935, dated September 20, 1996, re: road vacation file No. V-2277
- Exhibit No. 23 Copy of King County Department of Transportation/ Notice of Hearing on December 2, 1996, re: road vacation file No. V-2277
- Exhibit No. 24 Affidavit of posting November 6, 1996, subscribed and sworn November 7, 1996

RST:var
attachments

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